

SENECA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING

September 09, 2008

8:00 p.m.

Call to Order

Chairman Lafler called the meeting to order at 8:03 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Shipley was absent.

Pledge of Allegiance and Moment of Silence

Presentations / Petitioners

Seneca County Department Review:

Seneca County District Attorney' Office review from Richard Swinehart, District Attorney

Submission of Claims for Audit

The following vouchers were approved for payment.

Supervisors vouchers	#2238 - 2628	totaling	\$ 556,294.48
OFA vouchers	#450 - 503	totaling	\$ 69,129.71
Workforce Development vouchers	#153 - 166	totaling	\$ 16,354.83
Insurance vouchers	#240 - 248	totaling	\$ 20,208.17
Sheriff vouchers	#715 - 778	totaling	\$ 82,827.80
County Airport vouchers	#79 - 84	totaling	\$ 2,348.37
Highway Transportation vouchers			
Maintenance & State Snow	#217 - 239	totaling	\$ 233,709.05
Highway Machinery	#272 - 304	totaling	\$ 161,436.34
		Highway Total	\$ 395,145.39
Highway Capital vouchers	#13 & 14	totaling	\$ 8,538.59

Approval of Meeting Minutes

Minutes of the August 12, 2008 Board of Supervisors Board meeting were approved.

Reports of Standing Committees

Government Operations Committee, Mrs. Amidon, Chair, reported that Mr. Westfall was tasked with contacting Mr. Gentilcore, Seneca Meadows, Inc. regarding the use of methane gas as a green energy source.

Public Safety Committee, Mr. Davidson, Vice-Chair, reported that the Committee approved a part-time cleaner position for the Law Enforcement Center.

Human Services Committee, Mr. Mooney, Chair, reported that the Committee approved the following: to amend the Office of the Aging budget to reflect increase in NYS revenue for the SNAP program; the Office of the Aging Annual Implementation Plan; and to refill the positions for Social Welfare Examiner, Caseworker and Telephone Operator in the Department of Human Services.

Planning, Development, Agriculture and Tourism Committee, Mr. Kaiser, Chair, reported that the Committee approved the PILOT Diversion Consent Resolution for Bedford Falls Enterprises and it would be before the vote for a resolution later in the agenda. The Committee also approved the access agreement with NYSEG for engineering and survey studies of the NYSEG property known as the former Lehigh Valley Railroad for the canal trail and would be brought to the Board at the next meeting.

Public Health Services Committee, Mr. Hayssen, Chair, reported that the Committee approved entering into an Agreement with Regional Computer Recycling and Recovery, Victor, NY, for the disposal of electronics collected at the Annual Household Hazardous Waste Collection Day.

Finance Assessment and Insurance Committee, Mr. Barto, Chair, reported that the Committee heard the presentation by Randy Deal of the Professional Study to Analyze a County-wide Assessment Program and that the results were good and that the County is doing a good job.

#### Chairman's Remarks

Chairman Lafler recognized Robert Aaronson, who was recently hired as the Director of Seneca County IDA.

#### County Manager's Remarks

County Manager Sinclair informed the Board that preparation of the 2009 Budget continues. Ms. Sinclair also thanked Roy Gates, Jason McCormick and the maintenance staff who helped with the Veterans' Cemetery groundbreaking ceremony.

#### Communications

164. A draft copy of August 7, 2008 meeting minutes of the Seneca County Industrial Development Agency.
165. A certified copy of Ontario County Board of Supervisors adopted Resolution No. 489-2008 titled, Recommendations for Responsible NYS Budget Corrections as Amended.
166. A copy of minutes from the Seneca County Planning Board of its August 14, 2008 meeting.
167. A copy of minutes from the Seneca County Cornell Cooperative Extension Board of Directors' June 24, 2008 meeting and Board of Directors Executive Committee meeting on August 5, 2008.
168. From Barbara Stewart, Chair, Cayuga Lake Watershed Intermunicipal Organization, a letter dated August 29, 2008 regarding proposed amendments to its By-laws and presented to the organization

for a vote at its meeting scheduled for September 22 at 7:00 p.m. at the Seneca Falls Community Center. Referred to the Planning, Development, Agriculture and Tourism Committee.

Resolutions and Motions

**CHAIRMAN OF THE BOARD OF SUPERVISORS AUTHORIZED TO SIGN AN  
AGREEMENT FOR ELECTRONICS RECYCLING**

RESOLUTION NO. 233-08, moved by Mr. Hayssen, seconded by Mr. Mooney and adopted by 690 ayes (Hayssen, Mooney, Reynolds, Barto, Serven, Davidson, Dresser, Kaiser, Same, Lafler, Terryberry, Amidon, and Westfall) and 60 absentees (Shiplely).

WHEREAS, Regional Computer Recycling and Recovery, 7318 Victor-Mendon Road, Victor provided electronics recycling services for the Annual Household Hazardous Waste collection Day last year; and

WHEREAS, the cost for these services last year was \$468 and will not exceed \$1,000 this year; and  
WHEREAS, the funds for these services are in the Public Health budget 10-115-5-4011-4801; and  
WHEREAS, the breakdown of expenses is \$5 per television; first box truck, no charge; and subsequent trips \$50 per box/\$100 per tractor-trailer. All other electronic equipment will be recycled at no charge; and

WHEREAS, the Public Health Committee has recommended approval of this contract; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign an agreement with Regional Computer Recycling and Recovery for the electronics recycling.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SENECA COUNTY CONSENTING TO  
THE DIVERSION OF CERTAIN PILOT PAYMENTS BY THE SENECA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY WITH RESPECT TO BEDFORD FALLS ENTERPRISES, LLC (AS  
FURTHER DESCRIBED BELOW) AND AUTHORIZING THE CHAIRMAN (OR OTHER  
AUTHORIZED REPRESENTATIVE) OF THE BOARD OF SUPERVISORS TO EXECUTE AND  
DELIVER A CERTIFICATE IN FURTHERANCE OF THE SAME**

RESOLUTION NO. 234-08, moved by Mr. Kaiser, seconded by Mr. Terryberry and adopted by 690 ayes (Kaiser, Terryberry, Reynolds, Barto, Serven, Davidson, Dresser, Same, Lafler, Amidon, Hayssen, Mooney and Westfall) and 60 absentees (Shiplely).

WHEREAS, BEDFORD FALLS ENTERPRISES, LLC (the "Company") has submitted an application (the "Application") to the Seneca County Industrial Development Agency (the "Agency") requesting the Agency's assistance with a certain project (the "Project") consisting of the acquisition, reconstruction, renovation and equipping of a building formerly known as the Gould Hotel, to be operated as "Hotel Clarence," a four-star hotel and restaurant facility located at 108 Fall Street, 2-4 Mynderse Street, 12

Mynderse Street, 21 State Street and 23 State Street in the Village of Seneca Falls, Seneca County, New York (the "Facility"); and

WHEREAS, in connection with the Project, it is necessary to acquire, construct, equip and maintain certain related infrastructure and other public improvements to service the Project and surrounding properties (the "Infrastructure Improvements"); and

WHEREAS, in furtherance of the anticipated significant positive financial impacts within the County associated with the Project, including benefits to the retail and commercial communities and the Project's critical role in expanding needed infrastructure (including the Infrastructure Improvements) within the Village of Seneca Falls and the County, the Company has requested the Agency to establish a PILOT Increment Financing ("PIF") structure within a proposed payment-in-lieu-of-tax agreement, between the Agency and the Company (the "PILOT Agreement") pursuant to which the Agency--in accordance with General Municipal Law Section 858(15) and with the consent of each affected tax jurisdiction--would utilize a portion of each PILOT payment made by the Company during the term of the PILOT Agreement to pay for or reimburse costs (including debt service) incurred by the Company or the Agency in connection with the Infrastructure Improvements and related costs (collectively, the "PILOT Diversion"); and

WHEREAS, in furtherance of the PILOT Diversion, the Company and the Agency have requested the consent of the County pursuant to and in accordance with General Municipal Law Section 858(15), now therefore be it

RESOLVED, by the Board of Supervisors of Seneca County as follows:

Section 1. The County hereby consents to and approves the PILOT Diversion and PILOT Agreement and authorizes and directs the Agency to undertake the PILOT Diversion and utilize an amount sufficient paid under the PILOT Agreement to pay for the costs associated with the financing of the Infrastructure Improvements. Any amounts in excess thereof shall be paid to the affected tax jurisdictions in accordance with the New York State General Municipal Law.

Section 2. The Chairman of the Board of Supervisors (or other authorized representative) of the County is hereby authorized to execute and deliver a consent certificate or other documentation, as may be necessary to evidence the County's consent to undertake the PILOT Diversion.

Section 3. These Resolutions shall take effect immediately.

**CHAIRMAN OF THE BOARD AUTHORIZED TO SIGN PREVENTATIVE MAINTENANCE AGREEMENTS FOR FACILITIES DEPARTMENT**

RESOLUTION NO. 235-08, moved by Mr. Davidson, seconded by Mrs. Amidon and adopted by 608 ayes (Davidson, Amidon, Reynolds, Serven, Dresser, Kaiser, Same, Lafler, Terryberry, Hayssen, Mooney, Westfall), 82 abstentions (Barto), and 60 absentees (Shipley).

WHEREAS, the Seneca County Facilities Department has secured preventative maintenance agreement contracts for the purpose of complying with annual required inspections, maintenance and certifications required to keep equipment running efficiently with a cost savings to the County, and

WHEREAS, these contracts are not subject to competitive bidding per the Seneca County attorney; and

WHEREAS, the Seneca County Board of Supervisors' Public Works Committee has recommended approval of the following preventative maintenance agreements:

<u>Vendor</u>	<u>2008</u>	<u>2009</u>
J.C.Ehrlich-Pest Control-Courthouse	\$864	\$880
Eltec Systems-Security/Fire-Courthouse	\$3,700	\$3 700
ThyssenKrupp Elevator-Courthouse	\$2,232	\$2,340
Pasco Air Conditioning-Courthouse	\$7,344	\$7,344
Water Wise-Cooling Tower-Courthouse	\$1,990	\$2,110
R.L. Kister Corp. (Chillers & Liebert Units) -COB	\$2,990	\$3,080
Cinta's - Maintenance Uniforms-COB	\$2,400	\$2,400
Eltec System's-COB	\$2,140	\$2,714
R.L.Kistler Corp.-Air Handlers-COB	\$2,536	\$2,616
Emerson Network Power-Data Wave-COB	\$2,482	\$2,992
Emer. Power Systems-Generators-COB	\$980	\$1,010
J.C. Ehrlich Pest Control-COB	\$1,752	\$1,764
ThyssenKrupp Elevator-COB	\$2,232	\$2,340
Day Automation Systems - HVAC-COB	\$9,312	\$9,545
Linstar Security-Swipe Card-COB	\$11,897	-0-

now, therefore be it

RESOLVED, that the Chairman of the Seneca County Board of Supervisors is hereby authorized and directed to sign said preventative maintenance agreements as indicated above.

Mr. Barto stated his abstention from the vote on the previous resolution was because the contracts were not discussed prior to bringing the acceptance of them before the Board of Supervisors.

**SUPERVISORS AMEND RULES OF THE BOARD TO HOLD SEPTEMBER 23, 2008  
COMMITTEE MEETINGS AND BOARD MEETING AT THE FORMER COUNTY  
COURTHOUSE IN OVID, NEW YORK**

RESOLUTION NO. 236-08, moved by Mrs. Amidon, seconded by Mr. Davidson and adopted by 1392 ayes (Amidon, Davidson, Reynolds, Barto, Serven, Dresser, Kaiser, Same, Lafler, Terryberry, Hayssen, Mooney, Westfall) and 114 absentees (Shipley).

RESOLVED, that the Seneca County Board of Supervisors does hereby amend the Rules of Order to hold the committee meetings and board meeting for September 23, 2008 at the former County Courthouse in Ovid, New York at 5:30 p.m. and 8:00 p.m. respectively.

Dr. Dresser moved to enter executive session for the purpose of holding discussions regarding proposed, pending or current litigation. The Board of Supervisors convened in executive session at 8:21 p.m. The Board of Supervisors reconvened in regular session at 8:49 p.m.

Mr. Hayssen made a motion to suspend the rules of order to introduce the following resolution:

**RESOLUTION TO DIRECT THE COUNTY ATTORNEY TO COMMUNICATE THE  
SENTIMENTS OF THE BOARD TO SPECIAL DISTRICT ATTORNEY**

RESOLUTION NO. 237-08, moved by Dr. Dresser, seconded by Mr. Same and adopted by 690 ayes (Dresser, Same, Reynolds, Barto, Serven, Davidson, Kaiser, Lafler, Terryberry, Amidon, Hayssen, Mooney, Westfall) and 60 absentees (Shipley).

RESOLVED, that the County Attorney is authorized and directed to communicate with the Special Prosecutor appointed in the matters of People v. Constable and People v. Buck to express the desire of the Board as representative of the victim of the offenses charged, that those actions be prosecuted to the fullest extent of the law.

Special Order of the Day

The meeting was adjourned at 8:51 p.m.